

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVOOD KHADEMI,

Petitioner,

v.

KELLY SANTORO, Warden,

Respondent.

No. 2:21-cv-0902 WBS KJN P

ORDER

Petitioner, a state prisoner proceeding pro se, filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 20, 2021, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. Petitioner filed objections to the findings and recommendations.<sup>1</sup>

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the

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<sup>1</sup> The Court sustains petitioner's objection that the findings and recommendations incorrectly stated that petitioner was proceeding through counsel. Petitioner filed this action pro se, without benefit of counsel.

1 court finds the findings and recommendations to be supported by the record and by proper  
2 analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. With the exception of the modification noted in the footnote above, the findings and  
5 recommendations filed August 20, 2021, are adopted in full;  
6 2. Respondent's motion to dismiss (ECF No. 23) is granted;  
7 3. This action is dismissed without prejudice; and  
8 4. The court declines to issue the certificate of appealability referenced in 28 U.S.C.  
9 § 2253.

10 Dated: October 27, 2021

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE

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